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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,382	12/18/2001	Akseli Anttila	04770.00030	6410

22907 7590 11/04/2004

BANNER & WITCOFF
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SUITE 1100
WASHINGTON, DC 20001

EXAMINER

NGUYEN, KIM T

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/017,382

Applicant(s)

ANTTILA ET AL.

Examiner

Kim Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1, 4-8, 12-20 and 46 is/are rejected.
- 7) ☐ Claim(s) 2,3 and 9-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/12/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

The amendment filed on July 12, 2004 has been received and considered. By this amendment, claims 1-20 and 46 are now pending in the application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-8, 12-20 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al (US 2002/0004424) in view of Kagan et al (US patent No. 5,618,045).

a. As per claim 1, 4-5, 7-8, and 13, Nelson discloses a mobile terminal that is capable of receiving a task (paragraph 0062); providing two response options to a first player including sending a response to a task receiver; receiving a player input selecting an option; and performing the selected response option (paragraphs 0063-0064). Further, since Nelson discloses a wireless PDA (paragraphs 0002 and 0037) that is well known to include a processor and a transceiver for sending, receiving, and processing data, Nelson obviously discloses the processor and transceiver. Nelson does not disclose forwarding the task to a second mobile terminal. However, Nelson discloses including a task passing function (paragraphs 0063-0064). Further, Kagan suggests transmitting actions to other player terminals (abstract). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to pass the task

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of Nelson to a second player as suggested by Kagan in order to facilitate interaction play between the players.

b. As per claim 6, providing a task in a form of physical task or a proof of the completed physical task as preferred by a designer's preference requires only routine skill in the art.

c. As per claim 12, Nelson discloses performing steps ii-iv with a predetermined amount of time (paragraph 0077).

d. As per claim 16, Kagan discloses playing the game in a team (col. 5, lines 1-7).

e. As per claim 14-15, 18-20, and 46, refer to discussion in claims 1, 12, 5, and 7-8 above.

f. As per claim 17, Nelson discloses registering the player with the game server (paragraph 0047).

Allowable Subject Matter

3. Claims 2-3 and 9-11 would be allowable if rewritten to overcome the objections, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter:

Prior arts of record do not disclose a mobile terminal which includes a processor and a transceiver and performs the steps recited in claim 1 and in combination with the limitations cited in claim 2 or claim 3; the mobile terminal receives a player input selecting one of the two response options and displays an error message when the player attempts to perform a non-

selected response option; the player input selecting one of the two response options comprises an identity of a second player.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 4-8, 12-20 and 46 have been considered but are moot in view of the new ground of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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Or faxed to:

(703) 872-9306, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Hand-delivered responses should be brought to Crystal Plaza II, Arlington, VA
Second Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The
examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

The central official fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Group receptionist whose telephone number is (703) 308-1148.



Kim Nguyen
Primary Examiner
Art Unit 3713

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Date: October 27, 2004